



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 14 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7004 2510 0001 9429 2855

Mr. Terry Zarowny
228 Beacon Place
Munster, Indiana 46321

Re: Consent Agreement and Final Order
Century Environmental Resources, Inc.
EPA ID No.: ILD099215303
Docket Number: RCRA-05-2010-0024

Dear Mr. Zarowny:

On September 23, 2010, the U.S. Environmental Protection Agency filed a Consent Agreement and Final Order (CAFO) with the EPA Regional Hearing Clerk, in which the EPA and your business, Century Environmental Resources, Inc. (CERI), agreed to settle claims of alleged RCRA violations at CERI's facility in Alsip, Illinois. This letter is sent to you as owner of CERI.

The terms of settlement, as outlined in the CAFO and agreed upon by both parties, included the assessment of a \$6,380 penalty to be paid by CERI in four installments, with interest, as outlined in paragraphs 62 and 63 of the CAFO. The first installment of one thousand five hundred and ninety five dollars (\$1,595.00) was due within thirty (30) days of the effective date of the CAFO, which corresponded to the date of October 23, 2010. The second installment of \$1,606.80 was due within 120 days of the effective date of the CAFO, which corresponded to January 21, 2011.

Also, paragraphs 70, 75 and 77 of the CAFO required CERI to submit the following documents to the EPA within 30 days of the effective date of the CAFO (i.e., by October 23, 2010).

- the job title for each position at the facility relating to hazardous waste management and the name of the employee filling each job;

- a written job description for each position at the facility relating to hazardous waste management, which may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;
- a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility relating to hazardous waste management; and
- a copy of the current updated cost of facility closure, adjusted for inflation.

This letter serves to inform you that, as of this writing, the EPA has not received any of the afore-mentioned documents or the first two installments of the civil penalty. If payment is not made, soon, EPA may refer CERI to the U.S. Department of Treasury for collection of the penalty.

It has come to the attention of EPA that CERI may be under the impression that a recent bankruptcy filing by the debtor, Mr. Terry L. Zarowny, d/b/a American estate & Trust FBO Terry Zarowny, IRA, has released CERI from the obligations it entered into under the CAFO. Please be advised that EPA does not share this view. EPA did not enter into a CAFO with the afore-mentioned debtor. It entered into a CAFO with the corporation, CERI, which was not a party to the bankruptcy, and according to the Illinois Secretary of State, is still an active corporation. Furthermore, even if CERI had filed for bankruptcy, which to the best of EPA's knowledge it has not, the bankruptcy itself does not change or diminish CERI's obligations to comply with its RCRA permit.

Therefore, the EPA is hereby requesting, as required by the CAFO, that you immediately submit to it a copy of the current updated cost of facility closure, adjusted for inflation, as required by paragraph 75 of the CAFO. You should submit this document to:

Todd C. Brown (LR-8J)
RCRA Branch
U.S. EPA Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604.

Please be advised that CERI is required by law and its RCRA permit to maintain all closure cost estimates at its facility until closure of the facility, regardless of whether CERI is actively managing waste. See 35 IAC § 724.173(b)(8) and 40 C.F.R. § 264.73(b)(8).

With respect to the above-mentioned training documentation required by CERI's RCRA Permit and paragraphs 69 and 70 of the CAFO, it is EPA's understanding that CERI may not be actively managing hazardous waste from off-site sources. If CERI is not actively managing

hazardous waste, and knows that it will not be managing hazardous waste in the foreseeable future, the EPA requests that CERI provide a written letter, signed by a responsible corporate officer, stating that it is currently not managing any hazardous waste from off-site sources, and has no plan to do so in the foreseeable future. For the purposes of this letter, actively managing hazardous waste from off-site sources means **any** storage or treatment of hazardous waste at CERI's facility, which was generated and received from off-site sources.

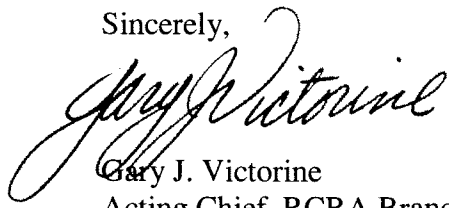
If CERI is actively managing hazardous waste, CERI is hereby requested to immediately submit the training documents described above. You should submit either the letter or training documents to Mr. Brown at the afore-mentioned address.

Please note that if CERI generates hazardous waste on-site, it may be subject to the RCRA training requirements at 35 IAC § 725.116 for hazardous waste generators, depending on the amount of waste generated. Furthermore, if CERI receives hazardous waste from off-site sources, it must comply with all applicable provisions of its RCRA permit, including the training requirements.

The terms of the CAFO are binding on CERI, its successors, and assigns. Under paragraph 66 of the CAFO and 31 C.F.R. § 901.9, interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). In addition, CERI must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due, and must pay a 6 percent per year penalty on any principal amount 90 days past due.

As stated in paragraph 65 of the CAFO, if CERI does not pay an installment payment as set forth in the CAFO, or timely pay any stipulated penalties due under paragraph 66 of the CAFO, the entire unpaid balance of the civil stipulated penalties and any amount required by paragraph 66 of the CAFO, shall become due and owing upon written notice by EPA to CERI of the delinquency. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

Sincerely,



Gary J. Victorine
Acting Chief, RCRA Branch
Land and Chemicals Division

cc: Todd Marvel, Illinois Environmental Protection Agency